

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NUVASIVE, INC.

Plaintiff,

v.

TIMOTHY DAY

Defendant.

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Civil Action No. 1:19-cv-10800-DJC

NUVASIVE, INC.'S ASSENTED-TO MOTION TO ADMIT
CHRISTOPHER W. CARDWELL *PRO HAC VICE*

Pursuant to Local rule 83.5.3(b), Plaintiff, NuVasive, Inc. ("NuVasive"), hereby moves for the admission *pro hac vice* of its counsel Christopher W. Cardwell. As grounds for this motion, NuVasive states as follows:

1. Christopher W. Cardwell is a partner with the law firm of Gullett, Sanford, Robinson & Martin, PLLC, located at 150 Third Avenue South, Suite 1700, Nashville, Tennessee 37201, and is a member in good standing of the bar of every jurisdiction in which he is admitted.

2. In further support of this motion, and pursuant to Local Rule 83.5.3(b), NuVasive submits the attached Certificate of Christopher W. Cardwell establishing that he is a member in good standing of the bar in every jurisdiction in which he has been admitted to practice; there are no disciplinary proceedings against him in any jurisdiction; he has not previously had a *pro hac vice* admission (or other admission for a limited purpose under Local Rule 83.5.3) revoked for misconduct; and he has read, is familiar with and agrees to comply with the Local Rules of the United States District Court for the District of Massachusetts.

3. Counsel for Defendant Timothy Day, Bryan Busch, Esq., assents to this Motion.¹

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)

I hereby certify that the parties have conferred regarding the narrow issues presented herein and that counsel for Timothy Day assents to this Motion.

Respectfully submitted,

NUVASIVE, INC.

By its attorneys,

/s/ Michael S. Batson

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Christopher W. Cardwell, Esq. (*pro hac vice* forthcoming)

M. Thomas McFarland, Esq. (*pro hac vice* forthcoming)

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Attorneys for Plaintiff NuVasive, Inc.

Dated: May 2, 2019

¹ NuVasive notes that Steven D. Weatherhead, Esq. of the firm Marathas Barrow Weatherhead Lent LLP entered his appearance on behalf of Defendant on May 1, 2019. (Doc. 14). NuVasive anticipates Mr. Busch seeking similar *pro hac vice* admission and appearing on Defendant's behalf in this matter shortly.

CERTIFICATE OF SERVICE

Pursuant to Local Rules 5.2(b)(2) and 5.4 of the Local Rules of the United States District Court for the District of Massachusetts, I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that paper copies will be sent by first-class mail to those indicated as non-registered participants, if any, on May 2, 2019.

In addition, I hereby certify that a courtesy copy of this document was sent by email on May 2, 2019 to:

Bryan Busch, Esq.
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Attorney for Defendant

/s/ Michael S. Batson

Michael S. Batson